

REMARKS

The applicant respectfully requests reconsideration in view of the amendment and the following remarks. Support for amended claim 1 can be found in the specification at page 2, lines 1-3. Support for newly added claim 12 can be found in the specification at page 4, lines 9-29. Support for newly added claims 13-20 can be found in the original claims. Support for newly added claims 21 and 22 can be found in the specification at page 3, line 33 to page 4, line 1.

The applicant authorizes the USPTO to charge our Deposit Account No. 03-2775, under Order No. 13146-00004-US from which the undersigned is authorized to draw for the extra two claims over twenty.

Claim 4¹ is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject which applicant regards as the invention. Claims 1, 2, 4, 6, 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Shi et al., Youji Huaxue (1988), 8(1), 48-50 (Shi). Claims 1, 2, 4, 6, 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Kuzmenko et al., Zhurnal Fizicheskoi Khimii (1989) 63(7). 1911-12 (Kuzmenko). Claims 3, 5 and 7, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shi and Kuzmenko. The applicant respectfully traverses these rejections.

Rejection under 35 U.S.C. 112

Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject which applicant regards as the invention.

¹ In view of the Examiner's comments it appears that the Examiner meant claim 2 not claim 4.
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The applicant believes that claim 2 as amended is in compliance with 35 U.S.C. 112, second paragraph. For the above reasons, this rejection should be withdrawn.

Prior Art Rejections

Claims 1, 2, 4, 6, 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Shi.

Claims 1, 2, 4, 6, 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Kuzmenko.

Claims 3, 5 and 7, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shi and Kuzmenko.

The applicant has two independent claims (claims 1 and 12).

Claim 1

Claim 1 requires “at least some of the radiation is in the range from 280 nm to about 750 nm”. Shi discloses using CO₂ laser (see the abstract). Kuzmenko also discloses using a CO₂ laser (see page 1046). Shi does not disclose any wavelength. It is noted that Kuzmenko discloses at page 1046 under Table 1 a 9P20 laser line and a 9P8 laser line at page 1046 2nd to last full paragraph. U.S. Patent No. 6,858,114 in claim 9 at col. 14 discloses that the wavelength for a 9P20 laser line is 9.552 μm (9,552 nm) and 9P8 laser line is 9.458 μm (9,458 nm). The applicant requires that at least some of the radiation is in the range from 280nm to about 750 nm. This is not taught nor disclosed Shi or Kuzmenko. In fact, Kuzmenko teaches away from the applicant’s claimed invention because Kuzmenko’s wavelength is over a factor of 10 greater than the range claimed by the applicant.

Claim 12

The applicant’s claim 12 requires using

(1) a irradiation lamp which emits only UV light of a wavelength greater than ≥ 280 nm,

(2) a fluorescent tube or

(3) a high pressure mercury lamp.

Neither Shi nor Kuzmenko discloses nor teaches using

(1) a irradiation lamp which emits only UV light of wavelength greater than ≥ 280 nm,

(2) a fluorescent tube or

(3) a high pressure mercury lamp.

For the above reasons, these rejections should be withdrawn.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

A two month extension has been paid. Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 13146-00004-US from which the undersigned is authorized to draw.

Dated: February 12, 2009

Respectfully submitted,

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